

SPECIFICATIONS

DEPT OF TREASURY
PURCHASE BUREAU
STATE OF NEW JERSEY
33 WEST STATE ST 8TH FL
PO BOX 230
TRENTON

NJ

08625-0230

TERM CONTRACT - ADVERTISED BID PROPOSAL

NUMBER : 04-X-35899
OPEN DATE : 08/29/03 TIME : 2 PM
T-NUMBER : T2187

BIDDER :

PAGE

STATE OF NEW JERSEY
REQUEST FOR PROPOSAL
FOR

PARTS AND REPAIRS
FOR
AGRICULTURAL/LAWN & GROUNDS EQUIPMENT STATEWIDE
(T-2187)

IMPORTANT INFORMATION:

THIS RFP IS TO ESTABLISH A NEW TERM CONTRACT FOR "AGRICULTURAL/LAWN AND GROUND EQUIPMENT STATEWIDE" (T-2187). THE CATEGORY OF EQUIPMENT/SERVICE TO BE PROVIDED UNDER THE SCOPE OF THIS RFP WAS PREVIOUSLY COVERED UNDER TERM CONTRACT TITLED "PARTS AND REPAIRS FOR HIGHWAY & CONSTRUCTION EQUIPMENT" (T-0074).

1. THIS RFP WILL REPLACE THE AGRICULTURAL EQUIPMENT AND THE LAWN & GROUNDS EQUIPMENT SECTIONS OF T-0074 (PARTS AND REPAIRS FOR HIGHWAY & CONSTRUCTION EQUIPMENT).
2. THIS RFP WILL COVER TWO DISTINCT CATEGORIES, AS FOLLOWS:
 - A. CATEGORY "A" IS FOR PARTS ONLY. THIS CATEGORY IS FOR THE BIDDER WHO IS INTERESTED IN PROVIDING REPLACEMENT PARTS FOR THE VARIOUS TYPES/BRANDS OF EQUIPMENT IDENTIFIED ON BID PRICING LINES (00001-00057) OF THIS RFP.
 - B. CATEGORY "B" IS FOR REPAIR SERVICES ONLY. THIS CATEGORY IS FOR THE BIDDER WHO WILL PROVIDE REPAIR SERVICES ONLY FOR THE VARIOUS TYPES/BRANDS OF EQUIPMENT IDENTIFIED ON BID PRICING LINES(58-65) OF THIS RFP.
2. CONTRACTS WILL BE AWARDED FOR A TERM OF TWO (2) YEARS AS STATED ON THE FRONT PAGE OF THIS RFP.
3. CONTRACTS WILL BE AWARDED IN ALL THREE REGIONS OF THE STATE AS FOLLOWS:

NORTH, CENTRAL AND SOUTH
4. ONE PRIMARY AWARD AND ONE SECONDARY AWARD WILL BE MADE PER LINE ITEM PER REGION FOR CATEGORY "A", PARTS ONLY. REFER TO SECTION 6.2 OF THIS RFP.

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5. THREE AWARDS WILL BE MADE PER LINE ITEM PER REGION FOR CATEGORY "B", REPAIR SERVICES ONLY. REFER TO SECTION 6.3 OF THIS RFP.
6. THE BIDDER MAY BID CATEGORY "A", PARTS ONLY; CATEGORY "B", REPAIR SERVICES ONLY; OR BOTH.

PLEASE READ ALL OTHER INFORMATION PROVIDED IN THIS RFP CAREFULLY PRIOR TO SUBMITTING YOUR BID PROPOSAL.

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1.0 INFORMATION FOR BIDDERS

1.1 Purpose and Intent

This Request for Proposal (RFP) is issued by the Purchase Bureau, Division of Purchase and Property, Department of the Treasury on behalf of Using Agencies. The purpose of this RFP is to solicit bid proposals for Parts and Repairs for the Agricultural/Lawn and Grounds Equipment.

The intent of this RFP is to award contracts in two separate categories namely, Category "A", Parts Only; and Category "B", Repair Services Only to those responsible bidders whose bid proposals, conforming to this RFP, are most advantageous to the State, price and other factors considered.

The Standard Terms & Conditions, pages 2 to 7 of this RFP, will apply to all contracts or purchase agreements made with the State of New Jersey. These terms are in addition to the terms and conditions set forth in this RFP and should be read in conjunction with same unless the RFP specifically indicates otherwise.

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The State intends to extend contracts awarded to the Purchase Bureau's cooperative purchasing partners. These partners include quasi-state agencies, counties, municipalities, school districts, volunteer fire departments, first aid squads, independent institutions of higher learning, County colleges and State colleges.

1.2 Background

This is a partial reprocurement of the present term contract titled "Parts and Repairs for Highway & Construction Equipment" (T0074), presently due to expire on September 30, 2003. The specific category of equipment/services to be provided under this new term contract include, "Parts and Repairs for Agricultural/Lawn and Grounds Equipment- Statewide" (T2187). Vendors who are interested in the current pricing information are encouraged to visit the Purchase Bureau's website on the world wide web. The applicable "T" reference number for this lookup is T0074. The exact WWW address is [HTTP://www.state.nj.us/treasury/purchase/contracts.htm](http://www.state.nj.us/treasury/purchase/contracts.htm)

1.3 Key Events

1.3.1 Questions and Inquiries

It is the policy of the Purchase Bureau to accept questions and inquiries from all vendors. Written questions should be mailed or faxed to the Purchase Bureau to the attention of the assigned Purchase Bureau buyer at the following address:

Purchase Bureau
Division of Purchase and Property
State of New Jersey
P.O. Box 230
Trenton, New Jersey 08625
Fax: 609-292-0490
Attention: Jackie Kemery
Email Address: Jacqueline.Kemery@treas.state.nj.us

1.3.1.1 CUT-OFF DATE FOR QUESTIONS AND INQUIRIES

The cut-off date for questions and inquiries relating to this RFP is 14 days prior to the bid opening date. Addendum, if any, to this RFP will be distributed to all vendors sent this RFP.

1.3.1.2 Question Protocol

Questions should be submitted in writing to the attention of the assigned Purchase Bureau buyer. Written questions should be directly tied to the RFP by the writer. Questions should be asked in

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consecutive order, from beginning to end, following the organization of the RFP. Each question should begin by referencing the RFP page number and section number to which it relates.

Short procedural inquiries may be accepted by telephone by the Purchase Bureau buyer, however, oral explanations or instructions given over the telephone shall not be binding on the State. Vendors shall not contact the Using Agency directly, in person, or by telephone, or by email concerning this RFP.

1.4 Additional Information

1.4.1 Revisions to this RFP

In the event it becomes necessary to clarify or revise this RFP, such clarification or revision will be by addendum. Any RFP addendum will be distributed to all vendors sent this RFP.

1.4.2 Addendum as a Part of this RFP

Any addendum to this RFP shall become part of this RFP and part of any contract awarded as a result of this RFP.

1.4.3 Issuing Office

This RFP is issued by the Purchase Bureau, Division of Purchase and Property. The buyer noted in Section 1.3.1 is the sole point of contact between the vendor and the State for purposes of this RFP.

1.4.4 Bidder Responsibility

The bidder assumes sole responsibility for the complete effort required in submitting a bid proposal in response to this RFP. No special consideration will be given after bid proposals are opened because of a bidder's failure to be knowledgeable of all of the requirements of this RFP. By submitting a bid proposal in response to this RFP, the bidder represents that it has satisfied itself, from its own investigation, of all of the requirements of this RFP.

1.4.5 Cost Liability

The State assumes no responsibility and bears no liability for costs incurred by a bidder in the preparation and submittal of a bid proposal in response to this RFP.

1.4.6 Contents of Bid Proposal

The entire content of every bid proposal will be publicly opened and will become a matter of public record. This is the case notwithstanding any statement to the contrary made by a bidder in its

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bid proposal. All bid proposals, as public records, are available for public inspection. Interested parties can make an appointment to inspect bid proposals received in response to this RFP by contacting the Purchase Bureau buyer.

1.4.7 Price Alteration

Bid prices must be typed or written in ink. Any price change (including "white-outs") must be initialed. Failure to initial price changes shall preclude a contract award being made to the bidder.

1.4.8 Joint Venture

If a joint venture is submitting a bid proposal, the agreement between the parties relating to such joint venture should be submitted with the joint venture's bid proposal. Authorized signatories from each party comprising the joint venture must sign the bid proposal. A separate Ownership Disclosure Form, Affirmative Action Employee Information Report, MacBride Principles Certification and business registration must be supplied by each party to the joint venture.

1.5 The bidder's signature guarantees that prices set forth within the manufacturer's preprinted price lists and/or catalogs, and the discount bid, will govern for the term of this contract. The bidder also acknowledges that, notwithstanding any reference to price escalation clauses, FOB shipping point, and shipping charges contained in the preprinted price lists, catalogs, and/or literature, such references shall not be part of any State contract awarded as a result of this RFP.

2.0 DEFINITIONS

2.1 The following definitions shall be part of any contract awarded or order placed as a result of this RFP:

Addendum - Written clarification or revision to this RFP issued by the Purchase Bureau.

Amendment - A change in the scope of work to be performed by the contractor. An amendment is not effective until signed by the Director, Division of Purchase and Property.

Bidder - A vendor submitting a bid proposal in response to this RFP.

Contract - This RFP, any addendum to this RFP, the bidder's bid proposal submitted in response to this RFP and the Division's Notice of Acceptance.

Contractor - The contractor is the bidder awarded a contract.

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Director - Director, Division of Purchase and Property, Department of the Treasury. By statutory authority, the Director is the chief contracting officer for the State of New Jersey.

Division - The Division of Purchase and Property.

May - Denotes that which is permissible, but not mandatory.

Request for Proposal (RFP) - This document, which establishes the bidding and contract requirements and solicits bid proposals to meet the purchase needs of [the] Using Agency[ies], as identified herein.

Shall or Must - Denotes that which is a mandatory requirement. Failure to meet a mandatory requirement will result in the rejection of a bid proposal, as materially non-responsive.

Should - Denotes that which is recommended, but not mandatory.

State - State of New Jersey

Using Agency[ies] or Agency[ies] - The entity[ies] for which the Division has issued this RFP.

3.0 SCOPE OF WORK

3.1 Parts and Repair Services

Parts and repair services are to be provided for the following equipment types and brands of Agricultural/Lawn & Grounds Equipment:

TYPE OF EQUIPMENT	BRAND
Brush Chippers:	Brush Bandit Foremost Lawson Olathe
Chain Saws:	Echo Homelite Lawson Stihl
Generators:	Dayton General Homelite Honda Lawson Onan

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Loaders:		Case Fiat Allis Ford JCB John Deere Lawson Michigan New Holland O & K Trojan Volvo	
Mowers:		Alamo/Terrain King Billy Goat Bunton Giant Gravely Jacobsen Lawn Boy Lawson Mott New Holland Ransome Sarlo Toro White	
Small Engines:		Briggs & Stratton Honda Kawaskai Kohler Lawson Onan Tecumseh Wisconsin	
Tractors:		Case Fieldboss/White Ford John Deere Kobota Lawson Massey Ferguson New Holland	
Trimmers (String, Hedge & Pruners)		Echo Homelite Lawson Stihl	
3.2 Category "A" PARTS ONLY			

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3.2.1 Bidders who wish to provide "PARTS ONLY" (Category "A") for the above listed types and brands of equipment, should submit prices for price lines 00001-00057 only. The bidder, however, may choose to bid any or all types and brands of equipment identified on price lines 00001-00057 of this RFP. Bidders are to refer to Section 4.4.4 and 4.4.5 of this RFP.

3.2.2 NO NEW EQUIPMENT OF THE TYPES AND BRANDS LISTED ABOVE CAN BE PURCHASED BY ANY USING AGENCY OR SOLD BY ANY CONTRACTOR UNDER THE TERMS OF THIS RFP.

3.2.3 Delivery Requirements for Category "A" Parts Only

3.2.3.1. The contractor(s) shall deliver the part(s) ordered within 15 days after receipt of order (ARO).

3.2.3.2. The contractor(s) shall deliver the part(s) to the Using Agency between the hours of 8:00 AM and 3:00 PM on regularly scheduled Agency workdays. Deliveries outside of these hours will not be accepted.

3.3 Category "B" - Repair Services

3.3.1 Bidders who wish to provide "REPAIR SERVICES ONLY" (Category "B") for the above listed types and brands of equipment, should submit prices for price lines 00058-00065. The bidder however, may choose to bid any or all types of repair services identified on price lines 00058-00065. Refer to Section 4.4.6 and 4.4.7 of this RFP.

3.3.2 Delivery Requirement for Category "B" Repair Services Only

3.3.2.1 Upon request, repair cost estimates or quotations must be furnished to the Using Agency at no additional charge.

3.3.2.2 All work is to be completed within fifteen (15) working days from delivery of the equipment. Any extended time needed to complete the repairs must have the prior approval of the Using Agency.

3.3.2.3 If more than one piece of equipment is being repaired at the same time, then the turnaround time shall mean fifteen (15) days for each piece of equipment.

3.3.2.4 Any repair service(s) and/or part(s) that the contractor deems necessary, beyond the original repair request, must first be approved by the Using Agency.

3.3.2.5 Once the repair service is completed, the equipment will be subject to inspection by the Using Agency. If the repair service(s) is not properly performed, the piece of equipment will be returned to

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the contractor for corrective repair service. All corrective repair service shall be performed at no additional cost to the Using Agency and must be completed within fifteen (15) days from the date the Using Agency informs the contractor of the unsatisfactory repair service(s).

3.3.2.6 Unless otherwise instructed by the Using Agency, all parts that are removed from the equipment must be returned to the Using Agency on completion of repair. Failure to comply may delay payment to the contractor.

3.3.3 The contractor's facility must be in compliance with all State and Federal requirements and licensed to operate and perform the services specified in this RFP. It must also possess the necessary tools along with qualified personnel to provide the necessary repair services.

3.3.4 No additional charges will be accepted for the proper disposal of any used fluids, such as motor oil or antifreeze. All fluids must be disposed of in accordance with all Federal, State and local D.E.P standards.

3.3.5 Work Performance:

3.3.5.1 The repair work to be performed will include all types of mechanical repairs normally performed on the various types of equipment identified in this RFP.

3.3.5.2 This repair service will include all categories of repairs including replacement of parts, adjustments and/or overhaul of minor and major components.

3.3.6 Categories of Repair Services

Categories of repair services permitted under this RFP are listed below and in accordance with the manufacturer's specifications for the piece of equipment requiring service. Pricing for repairs identified in each category below will be based on an hourly labor rate and a net price for parts. All repairs provided will be priced according to the hourly labor rate and net price for parts.

Note: The hourly labor rate may be used to calculate diagnostic charges. However, these charges will only apply if the contractor has diagnosed a needed repair and the Using Agency chooses not to have the piece of equipment repaired.

Category 1 - Repair of Brush Chippers

Category 2 Repair of Chain Saws

Category 3 - Repair of Loaders

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Category 4 - Repair of Generators

Category 5 - Repair of Mowers

Category 6 - Repair of Small Engines

Category 7 - Repair of Tractors

Category 8 - Trimmers (String, Hedger & Pruners)

3.4 Regions

This RFP includes both the supply of parts and repair services required in all three (3) regions of the State of New Jersey. The counties included in each region are as follows:

Region =====	Area =====	Counties =====
1	North	Bergen, Essex, Hudson, Morris, Passaic, Sussex, Union and Warren counties.
2	Central	Hunterdon, Mercer, Middlesex, Monmouth, Ocean and Somerset counties.
3	South	Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester and Salem

Note: Bidders must agree to supply all counties within the regions they are bidding.

3.4.1 The bidder is to indicate the regions bid on each pricing line item. The bidder may bid one or more regions. If the bidder does not select a region on each of the bid pricing lines, it may be cause for rejection for that line item only.

3.4.2 CONTRACTORS WHO ARE AWARDED A CONTRACT FOR "REPAIR SERVICES" ONLY, MAY NOT SELL "PARTS" TO USING AGENCIES UNLESS THEY ARE REQUIRED TO COMPLETE THE "REPAIR SERVICE" OF THE EQUIPMENT. NO EXCEPTIONS WILL BE PERMITTED.

3.4.3 USING AGENCIES IN NEED OF "PARTS ONLY" FOR COMPLETING THEIR OWN REPAIRS, MUST GO TO THE CONTRACTOR IN CATEGORY "A" (PARTS ONLY) FOR THE PARTICULAR BRAND OF PART(S) NEEDED. USING AGENCIES MAY NOT SECURE PART(S) FROM A CONTRACTOR IN CATEGORY "B" REPAIR SERVICES UNLESS THAT CONTRACTOR WAS AWARDED A CONTRACT FOR PARTS.

3.5 Billing Requirements

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In order to help prevent billing errors and to minimize the costs associated with processing small invoices, the contractor is requested to submit all of the previous month's bills by the fifteenth day of the following month on a single voucher.

3.6 Copies of Price List(s) for Using Agencies/Political Participants

The contractor must submit a copy of the awarded price list(s) for "Parts" only (Category "A") to any State Agency or political participant, within five (5) days from either oral or written request at no additional charge to the State.

3.7 Implementation of Contract:

3.7.1 The following steps are to be followed for each transaction (invoice) for Repair Services - Category "B":

A. For billing and price verification purposes, the contractor must attach a separate invoice, which clearly indicates the net price for all parts used in the repair of that piece of equipment. This invoice must also include the number of hours spent in completing the repair.

B. When a proper invoice for parts used in the repair of equipment is not received by the Using Agency its will do the following:

1. File a PB36 complaint form with the Purchases Bureau.
2. Contact the Division's Contract Compliance Audit Unit (CCAU), and the contractor will not be paid for that particular invoice.

3.7.2 The State reserves the right at any time during the contract period to have CCAU conduct an audit of a contractor's records of billing and payments. Failure to follow the above procedures for billing may lead to contract cancellation and may be used in determining future contract awards.

3.8 Method of Operation for Using Agencies:

Using Agencies should obtain cost estimates from all contractors awarded a particular repair service in their county. However, parts availability and distance from the Using Agency's location to the contractor's repair facility should be factors for consideration.

3.9 For the second year of the contract period starting October 1, 2004 thru September 30, 2005, the State will permit contractor(s) to submit revised price lists to be applicable for the second year of the contract for Category "A", PARTS ONLY. The revised manufacturer's price list for each brand awarded must be received by the Purchase Bureau no later than August 1, 2004. The discount originally awarded

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will be applied to this price list for the second year of the contract. Any submission of price lists received after this date will not be accepted, and the contractor must continue to accept orders for the second year of the contract based on the manufacturer's price list originally submitted for the first year of the contract for Category "A" ONLY. Refer to 4.4.2 Price List Submittals of this RFP.

3.10 All prices must be net, include all transportation charges for FOB delivery to all NJ State Agencies and Cooperative Purchasing Partner locations.

3.11 All discounts and/or hourly rates offered must be firm for the entire two (2) year period of the contract and any extension thereof for both Category "A", Parts Only; and Category "B", Repair Services Only regardless of whether a new price list is approved for the second year of the contract for Category "A" (Parts Only).

4.0 BID PROPOSAL PREPARATION AND SUBMISSION

4.1 General

The bidder must follow instructions contained in this RFP and on the bid cover sheet in preparing and submitting its bid proposal. The bidder is advised to thoroughly read and follow all instructions.

The first page (face) of this RFP shall be signed by an authorized representative of the bidder. However, if the bidder is a limited partnership, the first page (face) of this RFP must be signed by a general partner. If the bidder is a joint venture, the first page (face) of this RFP must be signed by a principal of each party to the joint venture. Failure to comply will result in rejection of the bid proposal.

Pricing and information sheets must be completed in their entirety. Failure to comply with this requirement may result in rejection of the bid proposal.

No changes or white outs will be permitted on the specification sheets, unless each change is initialed and dated in ink by the bidder.

4.2 Proposal Delivery and Identification

In order to be considered, a bid proposal must arrive at the Purchase Bureau in accordance with the instructions on the RFP cover sheet. Bidders are cautioned to allow adequate delivery time to ensure timely delivery of bid proposals. State regulation mandates that late bid proposals are ineligible for consideration. The exterior of all bid proposal packages must be labeled with the bid identification number,

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Phone # of contact person:_____

Length of time services provided by the bidder to this customer:

CENTRAL REGION:

1. Name of customer provided as reference:_____

Name of individual State may contact to verify reference:

Phone # of contact person:_____

Length of time services provided by the bidder to this customer:

2. Name of customer provided as reference:_____

Name of individual State may contact to verify reference:

Phone # of contact person:_____

Length of time services provided by the bidder to this customer:

3. Name of customer provided as reference:_____

Name of individual State may contact to verify reference:

Phone # of contact person:_____

Length of time services provided by the bidder to this customer:

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4.4.2.4 REFERENCE DATA SHEETS - SATISFACTORY CUSTOMER SERVICE

The bidder must provide all of the information requested. The bidder may provide its response on a separate attachment but should clearly state here that it is doing so:

Supply the name(s) of present customers you are servicing for contracts of a similar size and scope to those required by this RFP. The State reserves the right to visit these locations and verify production.

NORTH REGION:

1. Name of customer provided as reference: _____

Name of individual State may contact to verify reference:

Phone # of contact person: _____

Length of time services provided by the bidder to this customer:

2. Name of customer provided as reference: _____

Name of individual State may contact to verify reference:

Phone # of contact person: _____

Length of time services provided by the bidder to this customer:

3. Name of customer provided as reference: _____

Name of individual State may contact to verify reference:

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of its bid proposal for that brand only. If so requested, the bidder must submit a preprinted manufacturer's price list within five (5) days of either oral or written request by the State. Failure to do so will result in the rejection of your bid proposal for that brand line only.

Price list(s) submitted must be properly labeled, showing the bidder's name, line number it applies too, and bid reference number.

4.4.2.1. Bidders should submit with their bid proposal, a price list in the form of a "CD in PDF or text format." Along with the CD, bidders must also provide a preprinted price list as outlined in Section 4.4.2 of this RFP. Failure to submit a preprinted price list will be cause for bid rejection for that brand line.

PRICE LIST ARE REQUIRED FOR CATEGORY "A" PARTS ONLY.

4.4.2.2 A letter of authorization from the manufacturer may be submitted with the bid proposal for each type/brand of equipment bid. This authorization letter must indicate whether the bidder is the manufacturer, distributor or have any other special arrangement to sell the brand bid. If so requested, the bidder must submit the manufacturer's letter of authorization no later than seven (7) days from date of request by the State. Failure to do so will result in the rejection of the bid proposal for that brand only.

4.4.2.3 BIDDER DATA SHEET

The bidder must provide all of the information requested. The bidder may provide its response on a separate attachment but should clearly note here that it is doing so:

1. Name of individual that may be contacted at all times if information, service, or problem solving is required by the using agency. This service shall be available at no additional charge.

(PLEASE PRINT OR TYPE)

Name: _____

Address: _____

City, State: _____

Telephone Number: _____ Fax Number: _____

2. Years of this individual's experience in servicing similar accounts: _____

3. Identify the similar accounts this individual has serviced:

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final bid opening date and the buyer's name (See RFP cover sheet).

4.3 Number of Bid Proposal Copies

Each bidder must submit one (1) complete original bid proposal, clearly marked as the "ORIGINAL" bid proposal. Each bidder shall also submit one (1) full, complete and exact copy of the original bid proposal. The copies requested are necessary in the evaluation of the bid proposal. Extra copies of your price list(s) are not required. Bidders failing to provide the requested number of copies will be charged the cost incurred by the State in producing the requested number of copies. It is suggested that the bidder make and retain a copy of its bid proposal.

4.4 Proposal Content

4.4.1 Section 1 - Forms

4.4.1.1 Ownership Disclosure Form

In the event the bidder is a corporation or partnership, the bidder must complete the attached Ownership Disclosure Form. A completed Ownership Disclosure Form must be received prior to or accompanying the bid proposal. Failure to do so will preclude the award of a contract.

4.4.1.2 MacBride Principles Certification

The bidder must complete the attached MacBride Principles Certification evidencing compliance with the MacBride Principles. Failure to do so may result in the award of the contract to another vendor.

4.4.1.3 Affirmative Action

The bidder must complete the attached Affirmative Action Employee Information Report, or, in the alternative, supply either a New Jersey Affirmative Action Certificate or evidence that the bidder is operating under a Federally approved or sanctioned affirmative action program. The requirement is a precondition to entering into a State contract.

4.4.1.4 RESERVED

4.4.2 PRICE LIST SUBMITTALS

The bidder should submit with its bid proposal, the manufacturer's most current preprinted published price list, as of the bid opening date, for each type/brand of equipment bid. Failure to submit the price list for each brand bid may result in the rejection

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SOUTH REGION:

1. Name of customer provided as reference: _____

Name of individual State may contact to verify reference:

Phone # of contact person: _____

Length of time services provided by the bidder to this customer:

2. Name of customer provided as reference: _____

Name of individual State may contact to verify reference:

Phone # of contact person: _____

Length of time services provided by the bidder to this customer:

3. Name of customer provided as reference: _____

Name of individual State may contact to verify reference:

Phone # of contact person: _____

Length of time services provided by the bidder to this customer:

4.4.2.5 MANDATORY CONTRACTOR DATA SHEET - TERMINATED CONTRACTS

The bidder must provide all of the information requested. The bidder may provide its response on a separate attachment but should clearly state here that it is doing so:

Provide a list of contracts, if any, your firm has been terminated from during the last three years along with the reason that your contract was terminated. List name of contact person and phone number

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of the firm which terminated your firm's contract.

1. Name of Firm: _____

Contact Person: _____

Phone Number: _____

Reason for Termination: _____

2. Name of Firm: _____

Contact Person: _____

Phone Number: _____

Reason for Termination: _____

3. Name of Firm: _____

Contact Person: _____

Phone Number: _____

Reason for Termination: _____

4.4.3 Cost Proposal

The bidder must submit its pricing using the State supplied price sheet(s) attached to this RFP. Failure to submit all information

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<p>required will result in the bid being considered non-responsive. Each bidder is required to hold its prices firm through issuance of contract.</p> <p>4.4.4 Method of Bidding - Category "A" Parts Only</p> <p>4.4.4.1 The bidder shall offer a percentage discount from the manufacturer's most current published preprinted price list as of the date of bid opening for each equipment type/brand of equipment the bidder proposes to furnish. Outdated price lists or price lists subject to a percentage increase will not be acceptable and will be rejected.</p> <p>4.4.4.2 The bidder is to submit its discounts from the retail price column of its price list.</p> <p>4.4.4.3 Only the most current dated preprinted manufacturer's price list will be considered for award. The most current dated price list will be that price list with the latest preprinted date submitted by any bidder responding to this RFP for the product line offered. Brands bid utilizing outdated price lists will be rejected.</p> <p>4.4.4.4 In cases where two or more price lists are identical in price and item listing but differ in date with one containing the latest preprinted date of the price lists received, the State will accept the latest dated preprinted price list as being the current price list for purposes of bid evaluation. The State's determination where this will be applicable shall be final.</p> <p>4.4.5 Price Sheet Instructions for Category "A" - Parts Only</p> <p>4.4.5.1 The bidder must provide, for each line bid, all information requested on the pricing line.</p> <p>4.4.5.2 The bidder is only permitted to submit one discount for each brand line offered. Multiple or series discounts will not be acceptable.</p> <p>4.4.5.3 The bidder is to indicate on each line item bid the price list number, price list date, type of price list (i.e. jobber, distributor, retail, etc.) and region(s) served.</p> <p>4.4.6 Method of Bidding - Category "B" Repair Services</p> <p>4.4.6.1 The bidder must provide an hourly labor rate for each type of equipment for which repair services are offered. The bidder must also indicate the region or regions to be serviced.</p> <p>4.4.7 Price Sheet Instructions for Category "B" - Repair Services</p>			

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4.4.7.1 Repair services listed in this RFP where "hrate" is indicated must be bid as a single hourly labor rate. Any other method of pricing will be considered non-responsive and rejected.

4.4.7.2 The bidder is not required to provide any information or pricing for price line 00066 of this RFP. This line will be used by State Agencies for payment purposes only, for parts associated with a repair service.

5.0 CONTRACTUAL TERMS AND CONDITIONS

5.1 Precedence of Contractual Terms and Conditions

The contract awarded as a result of this RFP shall consist of this RFP, addendum to this RFP, the contractor's bid proposal and the Division's Notice of Award.

Unless specifically stated within this RFP, the Contractual Terms and Conditions of the RFP take precedence over the Standard Terms and Conditions of the RFP.

In the event of a conflict between the provisions of this RFP, including the Contractual Terms and Conditions and the Standard Terms and Conditions, and any Addendum to this RFP, the Addendum shall govern.

In the event of a conflict between the provisions of this RFP, including any Addendum to this RFP, and the bidder's bid proposal, the RFP and/or the Addendum shall govern.

5.2 Business Registration - See Standard Terms & Conditions, Section 1.1

5.3 Contract Term and Extension Option

The term of the contract shall be for a period of two (2) years. The anticipated "Contract Effective Date" is provided on the cover sheet of this RFP. If delays in the procurement process result in a change to the anticipated Contract Effective Date, the bidder agrees to accept a contract for the full term of the contract. The contract may be extended for all or part of one (1) additional year, by the mutual written consent of the contractor and the Director.

If the State extends the contract for a further period of one (1) year, the contractor will have the opportunity to submit a new price list for the extension period. The new price list must be included with the contractor's official letter accepting the extension. If a price list is not included with the official letter, the first year prices will prevail for the extension period. In case of an extension the contractor will not be permitted to change any of the terms and

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conditions of the original award with the exception of solely updating the price list. Refer to Section 3.9 of this RFP.

NOTE: All discounts are to be held firm for any extension up to one year.

5.4 Contract Transition

In the event that a new contract has not been awarded prior to the contract expiration date, as may be extended herein, it shall be incumbent upon the contractor to continue the contract under the same terms and conditions until a new contract can be completely operational. At no time shall this transition period extend more than ninety (90) days beyond the expiration date of the contract.

5.5 Availability of Funds

The State's obligation to pay the contractor is contingent upon the availability of appropriated funds from which payment for contract purposes is made. No legal liability on the part of the State for payment of any money shall arise unless funds are made available each fiscal year to the Using Agencies by the Legislature.

5.6 Contract Amendment

Any changes or modifications to the terms of the contract shall only be valid when they have been reduced to writing and signed by the contractor and the Director.

5.7 Procedural Requirements and Amendments

5.7.1 The contractor shall comply with procedural instructions that may be issued from time to time by the Director.

5.7.2 During the period of the contract, no contractual changes are permitted, unless approved in writing by the Director.

5.7.3 The State reserves the right to separately procure individual requirements that are the subject of the contract during the contract term, when deemed by the Director to be in the State's best interest.

5.8 Items Ordered and Delivered

The Using Agencies are authorized to order and the contractors are authorized to ship only those items covered by the contracts resulting from this RFP. If a review of orders placed by the Using Agencies reveal that material other than that covered by the contract has been ordered and delivered, such delivery shall be a violation of the terms of the contract and may be considered by the Director in the termination of the contract or in the award of any subsequent

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contract. The Director may take such steps as are necessary to have the items returned by the Agency, regardless of the time between the date of delivery and discovery of the violation. In such event, the contractor shall reimburse the State the full purchase price.

The contract involves items which are necessary for the continuation of ongoing critical State services. Any delay in delivery of these items would disrupt State services and would force the State to immediately seek alternative sources of supply on an emergency basis. Timely delivery is critical to meeting the State's ongoing needs.

5.9 RESERVED

5.10 Remedies for Non-Performance

In the event that the contractor fails to comply with any material contract requirements, the Director may take steps to terminate the contract in accordance with the State administrative code. In this event, the Director may authorize the delivery of contract items by any available means, with the difference between the price paid and the defaulting contractor's price either being deducted from any monies due the defaulting contractor or being an obligation owed the State by the defaulting contractor.

5.11 All products must conform in every respect to the standards and regulations established by Federal and New Jersey State laws.

5.12 Contract Activity Report

In conjunction with the standard record keeping requirements of this contract, as listed in paragraph 3.19 of this RFP's standard terms and conditions, the contractor must provide, on an annual basis, to the Purchase Bureau buyer assigned, a record of all purchases made under its contract. This information must be provided in a tabular format such that an analysis can be made to determine the following:

- Contractor's total sales volume under contract, subtotaled by product.

Submission of purchase orders, confirmations, and/or invoices do not fulfill this contract requirement.

Contractors are encouraged to submit the required information in electronic spreadsheet format. The Purchase Bureau uses Microsoft Excel.

Failure to submit these mandated reports will be a factor in future award decisions.

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6.0 BID PROPOSAL EVALUATION AND CONTRACT AWARD

6.1 Evaluation Criteria - Category "A" Parts Only

6.1.1 Price

6.1.2 Experience of the bidder

6.1.3 The bidder's past performance under similar contracts, including if applicable, the Division's vendor performance database.

6.1.4 Bidder's compliance with price list submission requirements.

6.2 One primary award and one secondary award will be made per region per line item for Category A " parts only.

6.3 Three awards will be made per line item, per region based on the lowest hourly rates provided for Category "B" repair service.

6.4 Contract awards shall be made with reasonable promptness by written notice to that responsible bidders, whose bid proposals, conforming to this RFP, is(are) most advantageous to the State, price, and other factors considered. Any or all bid proposals may be rejected when the State Treasurer or the Director determines that it is in the public interest so to do.